

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JOHNNY JOHNSON,)	Cause No. CV 10-25-H-DWM
)	
Petitioner,)	
)	
vs.)	ORDER OF DISMISSAL
)	
MIKE MAHONEY,)	
)	
Respondent.)	

On May 18, 2010, the Clerk of Court received a letter from Johnny Johnson, a state prisoner proceeding pro se. Johnson asks for an extension of time to file his federal habeas petition. A statutory limitations period cannot be prospectively extended even by judges, much less by clerks of court. Cf. Bowles v. Russell, 551 U.S. 205, 206-07 (2007).

The letter Johnson wrote does not state any claims for relief. It was docketed as a petition because that is the only way such a letter can be answered. The answer to Johnson's letter being in the negative, nothing else remains to be decided. The petition is dismissed. A certificate of appealability is not warranted because there are

no claims before the Court. 28 U.S.C. § 2253(c).

Dismissal of this case will not affect Johnson's ability to file a habeas petition at a later date. Slack v. McDaniel, 529 U.S. 473, 485-86 (2000).

Accordingly, IT IS HEREBY ORDERED as follows:

1. Johnson's request for an extension of the statute of limitations (doc. 1) is DENIED.

2. The petition is DISMISSED WITHOUT PREJUDICE. A certificate of appealability is DENIED. The Clerk of Court shall enter by separate document a judgment of dismissal without prejudice. No amended petitions and no motions for reconsideration or post-judgment relief will be accepted in this closed case.

3. The Clerk of Court shall include the Court's standard form for habeas petitions under 28 U.S.C. § 2254 with Johnson's service copy of this Order.

DATED this 21st day of May, 2010.

/s/ Donald W. Molloy
Donald W. Molloy
United States District Judge